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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.3952 OF 2007

Society For Computer Technology
& Research ... Petitioner

V/s.

Ravindra Sarjerao Doiphode ... Respondent

Mr.D.J. Bhanage for Petitioner
Mr.S.R. Nargolkar for Respondent

CORAM: **SMT.NISHITA MHATRE, J.**

DATED: **AUGUST 14, 2007**

P.C.:

. The petitioner challenges the order of the Labour Court dated 5.9.2006. According to the petitioner, Respondent No.1 was employed by the petitioner society to work in the Pune Institute of Advanced Technology (PIAT), which institute or department was established with the aid of another company. When there was no work available for the course conducted by PIAT, the Petitioner decided to close it down as a result of which the petitioner terminated the services of respondent No.1 by paying him his legal dues. The Labour Court has found that the termination from service was for patently false reasons. It has held that Respondent No.1 was an employee of the petitioner society. It has observed that although the course run by PIAT was closed, the society continued to

function and run several other courses. The Labour Court has also considered the evidence on record. The petitioner's witness has stated that the salary of respondent No.1 was paid by the petitioner society and that his name was found on the muster rolls of the society. In these circumstances, the Labour Court has accepted the case of the respondent workman and has held that he was illegally terminated. The petitioner has been directed to reinstate the workman and to pay him 50% backwages.

2. In my view, the Labour Court has not committed any error. It has recorded findings of fact that it was the petitioner society which had employed Respondent No.1 and that the petitioner society continued to function although the PIAT course had been discontinued. The letter dated 26.3.1998 appointing Respondent No.1 as an Office Assistant is issued by the petitioner society. The order of termination also mentions that the petitioner society was the employer of Respondent No.1 since 22.1.1996. In these circumstances, it cannot be said that merely because one section no longer continued to function, Respondent No.1's services should be terminated.

3. Petition rejected.